IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1039 OF 2006
IN
FIRST APPEAL NO.356 OF 2006

The New India Assurance Co.Ltd. ...Applicant
Vs.
Smt Suvarna Subhas Gurao & Ors. ...Respondents

Shri S.M. Vidyarathi for the Applicant.
Shri Dinesh Bhosale for the Respondent No.4.

CORAM : A. S. OKA, J.
DATE : JULY 24, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned Advocate appearing for the Respondent Nos.1 to 3 as well as the Advocate appearing for the Respondent No.4.

2. The entire amount due and payable under the impugned judgment and award has been deposited by the Applicant with the concerned Tribunal.

3. Considering the controversy involved in the Appeal, Civil Application is disposed of by passing following order:

(i) The Respondent No.1 is permitted to withdraw a sum of Rs.01,50,000/- without any security.

(ii) The rest of the amount will be invested by the Tribunal in fixed deposit in any nationalised bank initially for a period of five years and thereafter the fixed deposit shall be renewed from time to time till final disposal of the Appeal.

(iii) The Tribunal will permit the Respondent No.1 to withdraw the interest accrued on the fixed deposit subject to filing an undertaking to bring back the amount in case the Appellant succeeds in the Appeal.

(iv) The sum of Rs.25,000/- deposited by the Applicant in this court be transferred to the concerned Tribunal.

(v) No orders as to costs.

JUDGE